

Subtitle B—Other Regulations
Relating To Transportation—
Continued

CHAPTER IV—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A [RESERVED]

SUBCHAPTER B—SAFETY APPROVAL OF CARGO CONTAINERS

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SUBCHAPTER A [RESERVED] SUBCHAPTER B—SAFETY APPROVAL OF CARGO CONTAINERS

PART 450—GENERAL

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AUTHORITY: Sec. 4, 91 Stat 1475 (46 U.S.C. 1503); 49 CFR 1.46(n).

Subpart A—General Provisions

§ 450.1 Purpose.

This subchapter establishes requirements and procedures for safety approval and periodic examination of cargo containers used in international transport, as defined in the International Safe Container Act.

[45 FR 37213, June 2, 1980]

§ 450.3 Definitions.

(a) In this subchapter: (1) *Approval Authority* means a delegate of the Commandant authorized to approve containers within the terms of the convention, the International Safe Container Act and this subchapter.

(2) *Container* means an article of transport equipment:

(i) Of a permanent character and suitable for a repeated use.

(ii) Specially design to facilitate the transport of goods, by one or more modes of transport, without intermediate reloading.

(iii) Designed to be secured and readily handled, having corner fittings for these purposes.

(iv) Of a size that the area enclosed by the four outer bottom corners is either:

(A) At least 14 sq.m. (150 sq.ft.), or

(B) At least 7 sq.m. (75 sq.ft.) if it has top corner fittings. The term *container* includes neither vehicles nor packaging; however, containers when carried on chassis are included.

(3) *Convention* means the International Convention for Safe Containers (CSC) done at Geneva, December 2, 1972 and ratified by the United States on January 3, 1978.

(4) *District Commander* means the Coast Guard officer designated by the Commandant to command a Coast Guard District.

(5) *New Container* means a container, the construction of which began on or after September 6, 1977.

(6) *Existing Container* means a container that is not a new container.

[45 FR 37213, June 2, 1980, as amended at 47 FR 50496, Nov. 8, 1982]

§ 450.5 General requirements and applicability.

(a) Every owner of a new or existing container used or offered for movement in international transport shall have the container approved in accordance with the procedures established by the Administration of any contracting party to the convention, except that existing containers need not be approved until September 6, 1982.

(b) Every owner of an approved container used or offered for movement in international transport who:

(1) Is domiciled in the United States and has the head office in the United States, or

(2) Is domiciled in a country which is not a contracting party to the convention but has the principal office in the United States, shall have the container periodically examined in accordance with part 452 of this subchapter.

(c) Every owner of an approved container used or offered for movement in international transport who:

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(1) Is domiciled in the United States but has the principal office in the jurisdiction of another contracting party to the convention, or

(2) Is domiciled in the jurisdiction of another contracting party to the convention but has the principal office in the United States, but elects to have the container examined in accordance with the procedures prescribed by the United States, shall conform to part 452 of this subchapter.

(d) Every owner of an approved container used or offered for movement in international transport who is neither domiciled in nor has the principal office in the jurisdiction of a contracting party to the convention, but elects to have the container examined in accordance with procedures prescribed by the United States, shall conform to part 452 of this subchapter.

[45 FR 37213, June 2, 1980]

§ 450.7 Marking.

(a) On each container that construction begins on or after January 1, 1984, all maximum gross weight markings on the container must be consistent with the maximum gross weight information on the safety approval plate.

(b) On each container that construction begins before January 1, 1984, all maximum gross weight markings on the container must be consistent with the gross weight information on the safety approval plate no later than January 1, 1989.

(Approved by the Office of Management and Budget under OMB control number 2115-0094)

[49 FR 15562, Apr. 19, 1984]

Subpart B—Procedure for Delegation to Approval Authorities

§ 450.11 Application for delegation of authority.

(a) Any person or organization seeking delegation of authority to act as an Approval Authority may apply to the Commandant, (G-MVI), U.S. Coast Guard, Washington, DC 20593. Each application must be signed and certified by the applicant or, if the applicant is an organization, by an authorized officer of the organization. A list of delegated approval authorities may be obtained from the Commandant (G-MVI).

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(b) The application must include the following information:

(1) Name and address, including place of incorporation, if a corporation.

(2) A description of the organization, including the ownership, managerial structure, organizational components and directly affiliated agencies and their functions utilized for supporting technical services.

(3) A listing of the basic technical services offered.

(4) A general description of the geographic area served.

(5) A general description of the clients being served or intended to be served.

(6) A description of the types of work performed by the applicant in the past, noting the amount and extent of such work performed within the previous three years.

(7) A description of the personnel to be utilized, indicating general background and qualifications, particularly for the surveyors to be involved in the actual witnessing of tests.

(8) A description of its means of assuring continued competence of its personnel.

(9) A detailed schedule of the fees proposed to be charged for the approval service.

(10) Evidence of financial stability.

(11) At least three business references who will furnish information regarding work performed by the applicant.

(12) A statement that the Coast Guard may inspect the applicant's facilities and records of approvals under the convention and these regulations.

(c) The application may contain any additional information the applicant deems to be pertinent.

(d) The applicant must furnish any additional information to evaluate the applicant's qualifications, if requested by the Chief, Merchant Vessel Inspection Division, Office of Merchant Marine Safety, U.S. Coast Guard.

(e) Applications from foreign nationals or organizations must contain an affidavit stating that the agency responsible for implementing the Convention in their country has delegated to the applicant an approval authority, and that it also delegates similar authority to United States citizens or organizations having delegations from

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the United States. The affidavit must also contain the name and address of the agency to which U.S. citizens or organizations must apply for delegation as an approval authority.

[45 FR 37213, June 2, 1980, as amended at 47 FR 50496, Nov. 8, 1982]

§ 450.12 Criteria for selection of Approval Authorities.

(a) The Chief, Merchant Vessel Inspection Division, Office of Merchant Marine Safety, U.S. Coast Guard selects persons or organizations in accordance with the following criteria:

(1) The person or organization is independent of manufacturers and owners in that:

(i) It has sufficient breadth of interest or activity, so that the loss or award of a specific contract to approve containers would not be a substantial factor in the financial well-being of the organization.

(ii) The employment status of the personnel of the organization is free from influence or control of manufacturers, owners, operators or lessors of containers.

(2) The person or organization has demonstrated the ability to competently carry out the procedures required for approval.

(3) The person or organization has an acceptable degree of financial security.

[45 FR 37213, June 2, 1980, as amended at 47 FR 50496, Nov. 8, 1982]

§ 450.13 Granting of delegation.

(a) The Chief, Merchant Vessel Inspection Division, Office of Merchant Marine Safety, U.S. Coast Guard acts on applications for delegation within 60 days of receipt.

(b) If an applicant for delegation does not provide sufficient information with regard to all the criteria for delegation, the Chief, Merchant Vessel Inspection Division, Office of Merchant Marine Safety, U.S. Coast Guard denies the application. A denial of an application on this basis is without prejudice to the submission of a new or amended application.

(c) If an applicant satisfies all the criteria for delegation the Chief, Merchant Vessel Inspection Division, Office of Merchant Marine Safety, U.S.

Coast Guard sends the applicant a letter of delegation, and assigns to the Approval Authority an alphabetic Approval Authority identification code.

(d) If an applicant fails to satisfy all the criteria for delegation, the Chief, Merchant Vessel Inspection Division, Office of Merchant Marine Safety, U.S. Coast Guard gives the applicant written notice of denial of his application. The notice contains all the reasons for the denial. The applicant may contest the denial by submitting additional oral or written evidence in support of its qualifications. Upon review of the evidence, the Chief, Merchant Vessel Inspection Division, Office of Merchant Marine Safety, U.S. Coast Guard notifies the applicant of the final decision.

[45 FR 37213, June 2, 1980, as amended at 47 FR 50496, Nov. 8, 1982]

§ 450.14 Conditions of delegation.

(a) The following conditions are part of every delegation: (1) The Approval Authority shall use only testing equipment that it has determined by inspection to be suitable for the purpose.

(2) All approval numbers issued by the Approval Authority must contain the identification code, assigned to the Approval Authority by the Chief, Merchant Vessel Inspection Division, Office of Merchant Marine Safety, U.S. Coast Guard.

(3) Each Approval Authority shall maintain the following records for a period of at least 15 years from the date of approval. (When the Approval Authority's delegation is withdrawn before such time, the records relating to the approvals issued within the prior 15 years must be turned over to the Chief, Merchant Vessel Inspection Division, Office of Merchant Marine Safety, U.S. Coast Guard):

(i) Each notice of approval issued.

(ii) A copy of the application and final approved drawings (if applicable) to which each approval refers.

(iii) The manufacturer's serial numbers and the owner's identification numbers of all containers covered by each approval.

(4) Each Approval Authority shall establish and make available to the public a schedule of fees for the approval

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services performed under these regulations. The fees must not be disproportionate to the costs (including transportation expense, if any) actually incurred.

(5) The Approval Authority shall grant the Coast Guard the right to inspect records and shall cooperate in the conduct of such inspections.

(6) The Approval Authority shall comply with any other term or condition stated in its letter of delegation.

[45 FR 37213, June 2, 1980, as amended at 47 FR 50496, Nov. 8, 1982]

§ 450.15 Termination of delegation.

(a) An Approval Authority may voluntarily terminate its delegation by giving written notice of its intent to the Chief, Merchant Vessel Inspection Division, Office of Merchant Marine Safety, U.S. Coast Guard. This notice must contain the date on which the termination is to be effective.

[45 FR 37213, June 2, 1980, as amended at 47 FR 50496, Nov. 8, 1982]

§ 450.16 Withdrawal of delegation.

(a) The Chief, Merchant Vessel Inspection Division, Office of Merchant Marine Safety, U.S. Coast Guard withdraws a delegation if: (1) It is determined that the application for delegation contained a material misrepresentation.

(2) An Approval Authority fails to comply with a condition of delegation.

(3) An Approval Authority is incompetent.

(b) When a delegation is withdrawn, the Chief, Merchant Vessel Inspection Division, Office of Merchant Marine Safety, U.S. Coast Guard gives to the Approval Authority:

(1) Written notice of the facts or conduct believed to warrant the withdrawal.

(2) Opportunity to submit oral or written evidence.

(3) Opportunity to demonstrate or achieve compliance with the applicable requirement.

[45 FR 37213, June 2, 1980, as amended at 47 FR 50496, Nov. 8, 1982]

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PART 451—TESTING AND APPROVAL OF CONTAINERS

Subpart A—Approval of Existing Containers

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451.14 Alternative approval of new containers by design type.

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451.23 Plate specifications.

451.25 Required information.

AUTHORITY: Sec. 4, 91 Stat. 1475 (46 U.S.C. 1503); 49 CFR 1.46(n).

SOURCE: 45 FR 37214, June 2, 1980, unless otherwise noted.

Subpart A—Approval of Existing Containers

§ 451.1 Application for approval.

(a) Any owner of an existing container may apply for approval to the Commandant (G–MVI), U.S. Coast Guard, Washington, DC 20593 or to any Approval Authority.

(b) Each application must include the following for each container:

(1) Date and place of manufacture.

(2) Manufacturer's identification number, if available.

(3) Maximum operating gross weight capacity.

(4) Allowable stacking weight for 1.8G (1.8 x Gross weight in kilograms or pounds).

NOTE: This value is the total load the container is designed to support when subjected to a vertical acceleration of 1.8G.

(5) A statement that the owner possesses documentary evidence that:

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(i) Container of this type has been safely used in marine or inland transport for a period of at least two years; or

(ii) The container was manufactured to a design type which had been tested and found to comply with the technical conditions set out in Annex II to the convention with the exception of those technical conditions relating to the end-wall and side-wall strength tests; or

(iii) The container was constructed to standards that were equivalent to the technical conditions set out in Annex II to the convention with the exception of those technical conditions relating to end-wall and side-wall strength tests.

(6) A certification by the owner, or, if the owner is a corporation, partnership or unincorporated association, by a person authorized to make such statements for the organization, that the information provided in the application is true and correct.

[45 FR 37214, June 2, 1980, as amended at 47 FR 50496, Nov. 8, 1982]

§ 451.3 Action by Approval Authority.

(a) The Approval Authority (or the Chief, Merchant Vessel Inspection Division, Office of Merchant Marine Safety, U.S. Coast Guard, if the application was submitted to the Coast Guard) issues to the owner a notice of approval or notifies the owner in writing that approval is denied, setting forth the deficiencies causing denial. Notification of approval entitles the owner to affix a safety approval plate to each container after an examination of each container concerned has been carried out in accordance with part 452 of this subchapter. In the case of an application submitted to the Coast Guard, the Chief, Merchant Vessel Inspection Division, Office of Merchant Marine Safety, U.S. Coast Guard acts on the application within 30 days of receipt of the application.

[45 FR 37214, June 2, 1980, as amended at 47 FR 50496, Nov. 8, 1982]

§ 451.5 Resubmission or appeal.

(a) Upon receipt of a denial of approval for certain containers, an owner may correct the noted deficiencies and

resubmit the application without prejudice.

(b) An applicant aggrieved by a decision of an approval authority may obtain review of the decision by the Chief, Merchant Vessel Inspection Division, Office of Merchant Marine Safety, U.S. Coast Guard. The decision of the Chief, Merchant Vessel Inspection Division, Office of Merchant Marine Safety, U.S. Coast Guard is a final agency action.

[45 FR 37214, June 2, 1980, as amended at 47 FR 50496, Nov. 8, 1982]

§ 451.7 Alternative approval of existing containers.

(a) Existing containers that do not qualify for approval under this subpart may be presented for approval under the provisions of subpart B of this part. For such containers, the requirements of subpart B of this part relating to the end and sidewall strength tests do not apply. Upon showing that the containers have performed satisfactorily in service, the applicant may omit the presentation of drawings and testing, other than the lifting and floor strength test, if permitted by the approval authority.

Subpart B—Approval of New Containers

§ 451.11 Application for approval-general.

(a) An owner of a new container, or a manufacturer acting on behalf of an owner, may apply for approval to any approval authority.

§ 451.12 Application for approval by design type.

(a) For approval of new containers by design type, each application must include the following:

(1) Engineering drawings and plans showing platform, end framing, welds and hardware, connections of cross-members, top and bottom rails, roof bows, detailed subassemblies of major structural components and attachments, and any other plans and drawings required by the approval authority.

(2) Design and material specifications including type and size of materials.

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Material specifications of the safety approval plate must also be given.

(3) The manufacturer's identification number assigned to each container in the type series.

(4) The identification code assigned to each container in the series by the owner, lessee, of bailee responsible for maintenance.

(5) The written assurance from the manufacturer, that the manufacturer will:

(i) Produce to the approval authority such containers as the approval authority may wish to examine;

(ii) Advise the approval authority of any change in the design or specification and await its approval before affixing the Safety Approval Plate to the container;

(iii) Affix the Safety Approval Plate to each container in the design type and to no others;

(iv) Keep a record of containers manufactured to the approved design type containing at least the manufacturer's identification numbers, date of delivery, and names and addresses of customers to whom the containers are delivered; and

(v) Supply to the approval authority the information contained in paragraphs (a)(3) and (4) of this section if not available at the time of original application.

(6) A statement as to whether this design type has been examined by any approval authority previously and judged unacceptable. Affirmative statements must be documented with the name of the approving authority, the reason for nonacceptance, and the nature of modifications made to the design type.

§ 451.13 Action by approval authority—approval by design type.

(a) The approval authority arranges with the manufacturer, with notification to the owner, to witness the prototype tests required by the convention, and to examine any number of containers that the approval authority considers appropriate. Upon witnessing successful completion of prototype tests and examination of several containers the approval authority issues to the owner, a notice of approval which authorizes the attachment of

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safety approval plates to the containers. Absence of individual inspections will not relieve the manufacturer of any responsibility to maintain proper quality control. If a prototype container fails to pass the tests, the approval authority may require testing of as many further representative containers as necessary to ensure the adequacy of the design.

§ 451.14 Alternative approval of new containers by design type.

(a) New containers manufactured before June 16, 1978 without being approved under the preceding section may be approved by submission to an approval authority of an application corresponding to that required under § 451.1(b) for existing containers. All new containers so approved must have safety approval plates affixed and receive their first periodic examination in accordance with the procedures prescribed in § 452.3 by January 1, 1985.

[47 FR 50496, Nov. 8, 1982]

§ 451.15 Application for individual approval.

(a) For approval of new containers by individual approval, each application must include the following:

(1) The manufacturer's identification number.

(2) The identification code of the owner, lessee, or bailee responsible for maintenance of the container.

§ 451.16 Action by approval authority—individual approval.

(a) The approval authority arranges with the manufacturer or owner to witness testing in accordance with Annex II to the convention. Upon witnessing successful completion of the tests, the approval authority issues to the owner a notice of approval that authorizes the attachment of a safety approval plate.

§ 451.18 Review of denials of approval.

(a) An applicant aggrieved by a decision of an approval authority may obtain review of the decision by the Chief, Merchant Vessel Inspection Division, Office of Merchant Marine Safety, U.S. Coast Guard. The decision of the Chief, Merchant Vessel Inspection Division, Office of Merchant Marine

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Safety, U.S. Coast Guard is a final agency action.

[45 FR 37214, June 2, 1980, as amended at 47 FR 50496, Nov. 8, 1982]

Subpart C—Safety Approval Plate

§ 451.21 Safety approval plate required.

(a) The safety approval plate must be supplied by the owner or manufacturer.

§ 451.23 Plate specifications.

(a) The safety approval plate must be of the size and in the format specified in the appendix to Annex I to the convention.

(b) The safety approval plate must be:

(1) Designed to withstand and remain legible after a 15 minute exposure to a medium intensity fire producing a temperature of 1,000 °F (540 °C), when mounted on the specified material of construction of the container.

(2) Designed to resist the corrosive effects of its environment, both at sea and ashore, so as to remain legible for the working life of the container.

(3) Designed to have a legible life expectancy equal to or greater than the life expectancy of the container to which the plate is affixed.

§ 451.25 Required information.

(a) The safety approval number appearing on line 1 of the safety approval plate must be of the form "USA/(approval number, which includes the approval authority identification code)/(year in which approval was granted)."

(b) The date upon which approval was granted must be the same for all containers of a design-type or type-series covered by one notice of approval.

(c) The safety approval number must be the same for all containers of a design-type or type-series covered by one notice of approval.

(d) The owner's International Organization for Standardization (ISO) alpha numeric identification numbers may be used in place of the manufacturer's identification numbers on line 3 of the safety approval plate. If owner's identification numbers are used and the manufacturer's are available, the owner shall keep records correlating the own-

er's identification numbers used with the manufacturer's number. If a container marked with owner's identification numbers changes ownership, and the owner's identification number is changed as a result, the new owner must add the new owner's identification number, following the original owner's identification number on line 3 of the safety approval plate. In the event that the new owner's identification number cannot be legibly added to line 3 of the safety approval plate following the original owner's identification number, the new owner is authorized to put a new safety approval plate on the freight container provided that all the information contained on the original safety approval plate is retained in the owners files.

PART 452—EXAMINATION OF CONTAINERS

Sec.

452.1 Periodic examination required.

452.3 Elements of periodic examinations.

452.5 Examinations made in conjunction with other inspections.

452.7 Continuous examination program.

452.9 Elements of a continuous examination program.

AUTHORITY: Sec. 4, 91 Stat. 1475 (46 U.S.C. 1503); 49 CFR 1.46(n).

§ 452.1 Periodic examination required.

(a) Except as provided for in § 452.7, each owner of an approved container subject to this part shall examine the container or have it examined in accordance with the procedures prescribed in § 452.3 at intervals of not more than 30 months, except that for containers approved as new containers the interval from the date of manufacture to the date of the first examination must not exceed five years. For containers approved, examined and plated as existing containers before January 1, 1985 and containers approved and plated as new containers before January 1, 1985, the subsequent examination must be carried out in accordance with the following schedule:

Date of initial plating	Subsequent examination
Existing containers before Sept. 30, 1981 and new containers before Dec. 31, 1978.	Before Jan. 1986.

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Date of initial plating	Subsequent examination
Existing containers between Oct. 1, 1981 and Sept. 30, 1982 and new containers between Jan. 1, 1979 and Dec. 31, 1979.	Before May 1986.
Existing containers between Oct. 1, 1982 and Sept. 30, 1983 and new containers between Jan. 1, 1980 and Dec. 31, 1980.	Before Sept. 1986.
Existing containers between Oct. 1, 1983 and Dec. 31, 1984 and new containers between Jan. 1, 1981 and Dec. 31, 1981.	Before Jan. 1987.

NOTE: Containers plated under §451.14 are considered existing containers in the above schedule.

(b) Upon completion of an examination required by this part, the owner shall mark on the safety approval plate, or on the container itself as close as practicable to the safety approval plate, the month and year before which the container must next be examined. This marking must be on all containers by January 1, 1987. The marking may be by a decal, sticker, stencil, or other means so long as it is capable of remaining legible for at least 24 months. Affixing such a marking to a container that has not been examined in accordance with §452.3 constitutes a misrepresentation in a matter within the jurisdiction of an agency of the United States, and makes the owner punishable under 18 U.S.C. 1001.

(c) The owner of containers subject to this section shall have those containers examined in accordance with the program prescribed in this section regardless of whether the examinations are preformed within or outside the United States.

[45 FR 37216, June 2, 1980, as amended at 47 FR 50496, Nov. 8, 1982; 49 FR 15562, Apr. 19, 1984]

§ 452.3 Elements of periodic examinations.

(a) Periodic examinations required by §452.1 must conform to the following minimum requirements:

(1) Each examination must include a detailed visual inspection for defects such as cracks, failures, corrosion, missing or deteriorated fasteners, and any other safety related deficiency or damage which could place any person in danger. Any such deficiencies disclosed by the examination must be cor-

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rected by the owner before the container is continued in service.

(2) Each examination must take into account the particular characteristics of various kinds (types) of containers and materials of construction.

(3) Each examination must be performed by qualified personnel, trained and experienced in the detection of container structural damage.

(4) The examinations must be scheduled so as to allow adequate time for thorough performance.

(5) Each examination must apply owner established or industry accepted pass/fail criteria to determine whether a container has any deficiency that must be remedied before the container is returned to service.

(b) Examinations must be documented, and the records retained by the owner, until the next examination is completed and recorded. The records must include in addition to identification of the container, a record of the date of last examination and a means of identifying the examiner. The records must be maintained in an office under the control of the owner and be made available for inspection by the Coast Guard upon demand. If the original records are maintained outside the United States, its territories or possessions, supplementary records must be available in written or data processing form to be produced on demand of the Commandant or his representative.

[45 FR 37216, June 2, 1980]

§ 452.5 Examinations made in conjunction with other inspections.

(a) Periodic examinations may be made in conjunction with or as part of routine change-of-custody inspections, or in any other manner convenient to the owner so long as the examinations conform to the requirements of §452.3.

[45 FR 37216, June 2, 1980]

§ 452.7 Continuous examination program.

(a) In lieu of a periodic examination under §452.1, each owner of an approved container meeting §450.5 may examine the container or have it examined using an approved continuous examination program. An owner must submit the continuous examination program

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for approval to the Commandant (G-MVI), United States Coast Guard, 2100 Second Street, SW., Washington, DC 20593. When submitting a continuous examination program for approval the owner must show the continuous examination complies with § 452.9.

(b) The owner must mark the container with the letters "ACEP/USA/ (year continuous examination program is approved)" to indicate the container is being periodically examined under an approved continuous examination program. This marking must be as close as practicable to the safety approval plate. This marking must be on all containers covered by a continuous examination program by January 1, 1987.

(c) The owner of containers subject to this section shall have those containers examined in accordance with the program prescribed in this section regardless of whether the examinations are performed within or outside the United States.

(The information collection requirements contained in paragraphs (a) and (b) have been approved by the Office of Management and Budget under OMB control number 2115-0094)

[49 FR 15562, Apr. 19, 1984]

§ 452.9 Elements of a continuous examination program.

(a) Examinations required by § 452.7 must conform to the following minimum requirements:

(1) A thorough examination that must include a detailed visual inspection for defects such as cracks, failures, corrosion, missing or deteriorated fasteners, and any other safety related deficiency or damage that could place any person in danger. Any such deficiencies disclosed by the examination must be corrected by the owner before the container is continued in service. A thorough examination must be done each time a container undergoes a major repair, refurbishment or on-hire/off-hire interchange. In no case is the time period between thorough examinations to exceed 30 months.

(2) Each thorough examination must be performed by qualified personnel, trained and experienced in the detection of container structural damage.

(3) Each thorough examination must apply owner established or industry ac-

cepted pass/fail criteria to determine whether a container has any deficiency that must be remedied before the container is returned to service.

(b) Thorough examinations must be documented, and the records retained by the owner, until the next examination is completed and recorded. The records must include in addition to identification of the container, a record of the date of last examination and a means of identifying the examiner. The records must be maintained in an office under the control of the owner and be made available for inspection by the Coast Guard upon demand. If the original records are maintained outside the United States, its territories or possessions, supplementary records must be available in written or data processing form to be produced on demand of the Commandant or his representative.

(The information collection requirements contained in paragraph (b) have been approved by the Office of Management and Budget under OMB control number 2115-0094)

[49 FR 15562, Apr. 19, 1984]

PART 453—CONTROL AND ENFORCEMENT

Sec.

453.1 Unsafe and noncomplying containers subject to detention or control.

453.3 Detention orders and other orders.

453.5 Termination of detention orders and other orders.

453.7 Appeal provisions.

AUTHORITY: Sec. 4, 91 Stat. 1475 (46 U.S.C. 1503); 49 CFR 1.46(n).

§ 453.1 Unsafe and noncomplying containers subject to detention or control.

(a) Any container used in or offered for movement in international transport which does not have a valid safety approval plate attached to it is subject to detention or other control by a District Commander or Captain of the Port. However, upon receipt of evidence that a container which does not have a valid safety approval plate attached to it meets the standards of the convention, the District Commander or Captain of the Port may authorize limited movement of such container under conditions he deems appropriate. This

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paragraph becomes effective on January 3, 1979 for new containers and on January 1, 1985 for existing containers.

(b) If a District Commander or Captain of the Port finds that a container used in or offered for movement in international transport, even though it has a valid safety approval plate attached to it, is in a condition that creates an obvious risk to safety, he issues a detention order causing the container to be removed from service until it is restored to a safe condition. In addition to removing a container from transport, a detention order may require any special handling, including unloading prior to movement, necessary to ensure safety.

(c) If a District Commander or Captain of the Port finds that a container used or offered for movement in international transport has not been timely examined, the District Commander or Captain of the Port affixes to the container, at a place on the container where it will be readily noticeable to anyone loading or unloading the container, a mark or tag indicating that the container must be examined before being reloaded and again used in international transport. The mark or tag affixed by the District Commander or Captain of the Port indicates the place and the date on which it was affixed, and is capable of remaining legible and in place for at least 12 months. Such mark or tag must not be removed until the container is examined in accordance with § 452.3 of this subchapter. If a District Commander or Captain of the Port finds that container marked or tagged as provided for in this paragraph was reloaded and used or offered for movement in international transport without having been examined, the District Commander or Captain of the Port issues a detention order causing the container to be removed from service until it is brought into compliance.

[45 FR 37217, June 2, 1980, as amended at 47 FR 50496, Nov. 8, 1982]

§ 453.3 Detention orders and other orders.

(a) The terms of any detention order or other order issued under § 453.1, to the maximum extent practicable, make

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provisions to avoid loss or damage to cargo.

(b) Written notice of any detention order or other order issued under § 453.1 is given immediately to the terminal operator, stevedore, or other person having actual control over the container involved. Prompt notification is also given to the owner of the container, or his agent. The notification identifies the container involved, its location, and describes the condition which gave rise to the order.

[45 FR 37217, June 2, 1980]

§ 453.5 Termination of detention orders and other orders.

(a) When a container, which is the subject of a detention order or other order, is restored to a safe condition or otherwise brought into compliance, it must be examined in accordance with § 452.3 and a new re-examination date marked on the container in accordance with § 452.1(b) of this subchapter.

(b) The owner or the owner's agent shall notify the District Commander or Captain of the Port who issue the order, in writing, that the container has been brought into compliance. Upon giving such notice, the owner, or his agent, may return the container to service.

[45 FR 37217, June 2, 1980]

§ 453.7 Appeal provisions.

(a) The owner, his agent, or the custodian of a container subject to a detention order or other order may petition the Chief, Merchant Vessel Inspection Division, Office of Merchant Marine Safety, U.S. Coast Guard to review that order.

(b) The Chief, Merchant Vessel Inspection Division, Office of Merchant Marine Safety, U.S. Coast Guard requires independent surveys to determine the extent of deficiencies, if necessary. Upon completion of his review, including review of the results of any required independent surveys, the Chief, Merchant Vessel Inspection Division, Office of Merchant Marine Safety, U.S. Coast Guard affirms, sets aside, or modifies the order.

(c) The owner of a container is liable for any costs incident to a petition for

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review including any independent surveys, and for any other costs incident to or resulting from detention or other control of a container.

(d) Unless otherwise determined by the Chief, Merchant Vessel Inspection Division, Office of Merchant Marine Safety, U.S. Coast Guard, a detention order or other order remains in effect

pending the outcome of any petition or appeal of that order.

(e) The Chief, Merchant Vessel Inspection Division, Office of Merchant Marine Safety, U.S. Coast Guard acts on all appeals within ten days of receipt.

[45 FR 37217, June 2, 1980, as amended at 47 FR 50496, Nov. 8, 1982]